

REMARKS

Claims 1-20 are pending in the present application. In the Office Action dated April 6, 2004, the Examiner rejected claims 3, 4, 8-12 and 14-20 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner further rejected claims 1-9 and 13-20 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,311,517 to Keslar, *et al.* ("Keslar"). Claims 10-12 are rejected under 35 U.S.C. §103(a) as unpatentable over Keslar. Applicant disagrees with the stated grounds for rejection and desires to further clarify various distinctions of the applicant's invention in view of the prior art. Reconsideration of the present application is therefore requested in light of the following amendments and remarks.

The disclosed embodiments of the invention will now be discussed in comparison to the prior art. It is understood, however, that any discussion of the disclosed embodiments, as well as the discussion of the differences between the disclosed embodiments of the present invention and the prior art do not define the scope or interpretation of any of the claims. Instead, such discussed differences, if presented, are offered merely to help the Examiner appreciate important claim distinctions as they are discussed.

DRAWING OBJECTIONS

FIGURES 1, 5A-5D, and 6D were objected to for not illustrating all reference characters of the specification. Accordingly, FIGURES 1, 5A-5D, and 6D have been amended to illustrate the specification's reference characters or terms where reference characters were not associated with the terms.

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Applicants respectfully assert that objections to the drawings have been fully corrected as required by the Office Action.

SPECIFICATION OBJECTIONS

The Abstract was objected to for having run-on sentences, reference citation informalities, and typographical errors. The run-on sentence of the Abstract has been corrected, the reference citations in paragraph 0001 has been corrected, and typographical errors have been removed from paragraph 0045, as requested by the Examiner. Furthermore, reference characters have been inserted in the corrected drawings and have been correspondingly added to Paragraph 0045 to provide consistency between the corrected FIGURES and Paragraph 0045. No new matter has been introduced.

Applicants therefore respectfully assert that objections to the specification have been corrected as required by the Office Action.

SECTION 112-1ST PARAGRAPH REJECTIONS

Claims 3, 4, 8-12 and 14-20 were rejected under to 35 USC §112-1st paragraph as failing to comply with the embodiment requirement in that these claims are alleged to not be enabled by the specification. In particular, the Examiner asserts that one of ordinary skill in the art cannot properly ascertain what the term “strand” embodies. Applicant respectfully disagrees and asserts that the strands are a component part of a grid, as disclosed on page 6, paragraph 45. In particular, applicant asserts that the strands cooperatively form a lattice-work type formation. Nevertheless, in order to provide further clarification, claims 3, 8-11, 13,14, 17 and 19 are amended.

In particular, Cclaim 3 is amended to recite, in pertinent part, that “...*the grid further comprises a lattice-work*, the lattice work being formed from a plurality of superimposed

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strands”. (Emphasis added). Similarly, claim 8, as amended, now recites in pertinent part, that: “...the grid includes a first plurality of strands and a second plurality of strands, the first plurality of strands being superimposed over the second plurality of strands *to create a lattice-work formation.*” (Emphasis added). Claim 9, as amended now recites: “...the grid having a first plurality of strands and a second plurality of strands, the first plurality of strands being superimposed over the second plurality of strands *to create a lattice-work formation...*” (Emphasis added). Claim 10, as amended, recites: “...placing a grid having a plurality of strands over the surface, *the plurality of strands being superimposed and forming a lattice-work...*”. (Emphasis added). Further, claim 13, as amended, now recites: “...a grid placed over a surface, *the grid configured to form a lattice-work*, the lattice-work providing spaces...” (Emphasis added). Claim 14, as amended, now recites in pertinent part: “...the first plurality of strands superimposing over the second plurality of strands *to create a lattice-work formation.*” (Emphasis added). Finally, claim 17, as amended, now recites “...the grid having a first plane of strands and a second plane of strands, the first plane of strands being superimposed over the second plane of strands *to create spaces between the strands and between the planes to form a lattice-work...*” (Emphasis added). Applicant therefore asserts that the claims rejected are, in fact, fully enabled by the specification, and respectfully requests that the rejections under 35 U.S.C. §112, first paragraph, be removed.

SECTION 102(B) REJECTIONS

The Examiner rejected claims 1-9 and 13-20 based on the Keslar reference. Keslar discloses an apparatus for packaging a laminated window structure for an aircraft (col. 1, lines 34-45). With reference to Figure 1 of Keslar, the window assembly 24 is first positioned in a bag 10, which is subsequently evacuated using the an evacuation and sealing


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apparatus, as shown in Figure 5. Applicant respectfully asserts that the Examiner misunderstands the Keslar reference, since it does not apply to surface drying. Moreover, applicant fails to see how the disclosed evacuation and sealing device could be applied to removing moisture from a surface, such as a moisture-laden surface of a building, since it is unclear how the building surface may be interposed between the members 40 and 42, as shown in Figure 5, prior to the application of a vacuum. If the applicant has missed a relevant teaching, the Examiner is respectfully requested to point out where the relevant teaching may be found.

Applicant respectfully but strenuously asserts that the Keslar reference is non-analogous art, which may not be used as a reference to reject applicant's invention. In particular, the Examiner is reminded that: "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of Applicant's endeavor, or if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oeitikar* 177 F.2d 1493, 1446 (Fed. Cir. 1992). The Keslar reference is neither. Keslar pertains to the field of packaging and sealing, whereas Applicants' disclosure is in the field of moisture removal and surface drying.

Keslar is also not reasonably pertinent to applicants' problem. "A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, if it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem." *In re Clay*. 966 F.2d 656, 659 (Fed. Cir. 1992). The matter with which Keslar deals is packaging and sealing, and in particular, packaging and sealing laminated aircraft windows within an

enclosed bag. Applicant can find no teaching regarding drying processes, much less drying moisture-laden building surfaces, in the reference.

Accordingly, applicant respectfully submits that claims 1-9 and 13-20 are allowable over the cited reference, since the reference was improperly cited against the present application.

Applicant further asserts that, in any event, the present claims are distinguishable over the Keslar reference. Turning now to the claims, differences between the claims and the applied art will be specifically pointed out. Claim 1, as amended, recites in pertinent part, “A *surface drying system* having a vacuum source comprising...a water-impermeable membrane having an upper side, a lower side, and a perimeter, *the lower side being configured to be positioned proximate to the surface to be dried...*” (Emphasis added). Keslar nowhere discloses or suggests this. Claim 1 is therefore allowable over Keslar. Claim 7, as amended, recites *inter-alia*, “A *surface drying system* having a vacuum source comprising...a *grid placed over a surface to be dried...*” (Emphasis added). Again, Keslar simply does not disclose or suggest this. Claim 7 is therefore in allowable form. Claim 9, as amended, recites in part: “A surface drying system having a vacuum source comprising...a grid placed over a surface to be dried...” (Emphasis added). Yet again, Keslar does not disclose or suggest this. Claim 9 is therefore allowable over the cited art. Claim 10, as amended, recites in part: “A method for removing moisture from *a moisture-laden surface* using a vacuum source, the method comprising....connecting the vacuum source to a first end of a flexible hose, the flexible hose having a second end...[and]...*placing a grid having a plurality of strands over the moisture-laden surface....*” (Emphasis added) Again, Keslar fails to disclose or suggest any apparatus that may be used to remove moisture from a

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moisture-laden surface. Accordingly, claim 10 is also allowable over the applied reference. Claim 13, as amended, recites: “A *surface drying system* having a vacuum source comprising...*a grid placed over the surface to be dried...*” (Emphasis added). Keslar does not teach a surface drying system that includes a grid on the surface to be dried. Claim 13 is therefore also allowable over the cited reference. Finally, claim 17 recites in pertinent part, “A *surface drying system* having a vacuum source comprising...*a grid placed over the surface to be dried...*” (Emphasis added). Claim 17 is also therefore allowable.

Claims 1, 7, 9, 10, 13 and 17 are therefore allowable. Claims depending from the foregoing independent claims are also allowable based upon the allowable form of the base claim and further in view of the additional limitations recited in the independent claims.

SECTION 103(A) REJECTIONS

The Examiner further rejected claims 10-12 as allegedly being obvious in view of Keslar. Applicant respectfully asserts that claims 10-12 are allowable for the reasons stated above, and for still other reasons.

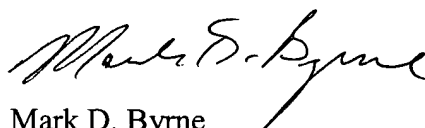
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CONCLUSION

Applicants request reconsideration of claims 1-20 based upon the amendments and remarks presented above. A Notice of Allowance is now therefore earnestly solicited.

Respectfully submitted,

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MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

8/6/04
Date of Deposit


Michelle J. Garman